

To the KING's Most Excellent Majesty.

The Humble Petition of ALGERNOON SIDNEY, Esq;

SHEWETH,

That your Petitioner, after a long and close Imprisonment, was on the 17th day of this month, brought by a Guard of Soldiers to the Pallace-yard, upon a Habeas Corpus, directed to the Lieutenant of the Tower, before any Indictment had been exhibited against him.

That whilst he was there detained, a Bill was exhibited and found against him; whereupon he was immediately carryed to the Kings Bench, and there arraigned in this surprize: He desired a Copy of the Indictment, Leave to make his Exceptions, or to put in a Special Plea, and Council to frame it, but all was denyed: He then offer'd a Special Plea, ready engroind, which was then also rejected, without reading, being threatned, That if he did not immediately plead Not Guilty, a Judgment of High Treason should be enter'd: He was forc'd, contrary to Law (as he supposeth) to come to a general Issue, in pleading, Not Guilty.

November the 21th he was brought to his Tryal, and the Indictment being perplexed and confused, so that neither he, nor any of his Friends that heard it, could fully comprehend the scope of it, he was utterly unprovided of all the Helps that the Law alloweth unto every man for his Defence, whereupon he again desired a Copy, and produced an Authentick Copy of the Statute *Eam. 3.* whereby it is enacted, That every man shall have a Copy of any Record that toucheth him in any manner, as well that which falls against the Kings, as any other Person; but could have neither a Copy of his Indictment, nor that the Statute should be read.

The Jury by which he was to be tryed, was not (as he is inform'd) summoned by the Bailiffs of the several Hundreds, in the usual and legal manner; but Names were agreed upon by Mr. Graham, Mr. Burton, and the under Sher ff, and directions given to the Baliffs to summon them, and being all so chosen, the Copy of the Pannel was of no use to him.

When they came to be called, he excepted against some for being your Majesty's Servants, which he did hope should not have been returned, when he was prosecuted at your Majesty's Suit.

Many others for not being Freeholders (which Exceptions he thinks are good in Law) and others more lewd and infamous persons, not fit to be of any Jury; but all was over-ruled by the L. C. J. and your Petitioner forced to challenge them peremptorily whom he found to be picked out as most suitable to their Intentions who sought his Ruin, whereby he lost the Benefit allowed by the Law, of making his Exceptions, and was forced to admit of mechanick persons, utterly unable to judge of such a matter, as was to be brought before them.

This Jury being sworn, no Witness was produced who fixed any thing beyond Hear-say upon your Petitioner, except the *Ld. Howard*, and some that swore the Papers, said to be found in his House aforesaid, a second Witness, were written in a Hand like unto your Petitioner's.

Your Petitioner produced Ten Witnesses, the most of them men of eminent quality, the others of unblemisht fame, to shew the *Ld. Hd's* Testimony was inconsistent with what he had, as in the Presence of God, affirmed to many of them, and as he

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swore at the Tryal of the *Ld. Russell*, under the same Religious Obligations of an Oath as if it had been legally administred.

Your Petitioner did endeavour further to shew, that besides the Absurdity and Incongruity of his Testimony, being guilty of many Crimes which he did not pretend your Petitioner had any knowledge of; and having no other hope of a Pardon, but by the Drudgery of swearing against him, he deserved not to be believed: And that similitude of Hands could not be Evidence, as was deliver'd by the Lord Chief Justice *Keeling*, and the whole Court, in the *Lady Carr's Case*; so as no Evidence at Law remain'd against him.

That whosoever wrote those Papers, they were but a small part of a polemical Discourse, in Answer to a Book written above thirty years ago, upon general Propositions, applyed to no Time, or any particular Case, that it was impossible to judge of any Part of it, unless the Whole did appear, which did not: that the Sense of such as were produced could not be comprehended, unless the whole were read, which was denyed; that the Ink and Paper shewed it to be written many years ago, and the *Ld. Howard* knowing nothing of them, they could have no concurrence with what your Petitioner was said to have designed with him and others.

That the Confusion and Errors in writing it, ^{the same} had never been so much as revived, and written in a hand that no man could read over, neither fit for the Press, nor could be in some years, though the Writer of it did intend it, which did not appear.

That they being only the present Crude and private Thoughts of a man, for the exercise of his own understanding, in his Study, never shewed to any, nor applyed to any particular Case, could not fall under the Statute 25 *Edw. 3.* which takes cognizance of no such matters, and could not by construction be brought under it, such matters being thereby reserved to the Parliament, as is declared in the Proviso, which I desired might be read, but was refused.

Eight or Nine important Points of Law did hereupon arise. upon which your Petitioner, knowing his Weakness, did desire his Council might be heard, or reserved to be found specially, but all was over-ruled by the Violence of the *L. C. J.* and your Petitioner so frequently interrupted, that the whole method of his Defence was broken, and he not suffered to say the tenth part of what he could have alledged in his own defence; the Jury was hurried into a Verdict which they did not understand.

Now forasmuch as no man that is Opprest in England can have any Relief, unless it be by your Majesty;

Your Petitioner humbly prays, that the Premises considered, your Majesty would be pleased to admit him into your Presence; and if he doth not shew, that it is for your Majesty's Honour and Interest to preserve him from the said Oppression, he will not complain though he be left to be destroyed.